

Harold

First Band, as aired

. 1968, at approximately 6:00 p.m., in Memphis, Tennessee, Dr. Martin Luther King was killed by an assassin's bullet, while standing on the terrace of the Lorraine Motel.

FACT: On April 17, 1968, James Earl Ray, alias Eric Starvo Galt, was charged in Memphis, Tennessee, with the first degree murder of Martin Luther King. A federal warrant was issued the same day charging Ray, alias Eric Starvo Galt, with conspiracy to interfere with the rights of a U. S. citizen; namely, Dr. King.

FACT: On June 18, 1968, two months after King's killing, James Earl Ray, traveling under the alias of Raymond George Sneyd, was arrested in London by Scotland Yard.

FACT: An extradition hearing for Ray was set for June 27th, at Bow Street Magistrate's Court. At Birmingham, attorney Arthur Hanes, announced that Ray had requested his services. Hanes flew to London but was refused permission to see his client.

FACT: Ray lost the extradition hearing and was returned to London's Wandsworth Prison. Ray's court appointed British attorney announced he would appeal, but Ray later waived that appeal.

FACT: About 10:00 p.m., the night of July 18, Ray was taken from Wandsworth Prison and placed aboard an air force jet. Ten and a half hours later he was in jail in Memphis, Tennessee.

FACT: On July 22nd, Ray was arraigned in Memphis on charges of shooting and killing Dr. King and carrying a dangerous weapon. His attorney, Arthur Hanes, announced that Ray wished to plead not guilty; trial was set for November 12th.

FACT: On November 10th, two days before the scheduled trial, Ray fired Arthur Hanes. Percy Foreman, nationally known Houston criminal lawyer, announced that he had been retained to represent Ray. A new trial was set for March 3rd, 1969.

FACT: Days before the trial was to begin, Foreman succeeded in putting off the date until April 7th.

FACT: On March 10th, at a hastily scheduled hearing before Judge Preston Battle, James Earl Ray pleaded guilty to a charge of first degree murder. Ray was sentenced to ninety-nine years.

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But tonight we are not interested in making Dr. Martin Luther King the paramount area for consideration. Instead, we are interested in having his death serve as a basis by which we can pursue a discussion having to do with justice, it's manipulation, or the absence of it; so that the issue is larger, it's larger than Dr. Martin Luther King's death; and finally a man is imprisoned for ninety-nine years in Memphis, Tennessee; and the question becomes-- is that the right man in that prison in Memphis, Tennessee, or is that man a decoy, and assassins roam the land with an implied blessing of a sort?

Tonight there are going to be men on this stage and I am going to ask these men direct questions. If they are less than candid, if they are less than honest in their response, they will give rise to a reasonable doubt as to their integrity; and if such becomes the case, then we may very well have a basis for a reopening and a re-examination.

Those men will be Harold Weisberg, who has a book "Frame-Up." The other is attorney Arthur Hanes who was the first lawyer for first defense

counsel employed by James Earl Ray. When we've gotten that information, it may very well be that we shall have to reopen and re-examine the case of James Earl Ray. I'm John Bandy.

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Harold Weisberg, author of a new book called "Frame-Up." Weisberg attempts to prove that James Earl Ray, the man we have been told is guilty of killing Dr. Martin Luther King; the man presently serving ninety-nine years in prison, was in fact framed; that all of the evidence available suggests that Ray was not alone in the killing and that, in fact, there was a conspiracy.

Weisberg: May I add one thing?

Bandy: If you wish.

Weisberg: And that Ray in all probability did not fire the shot.

Bandy: Right, now we'll get to items in logical order and I'm certain we will get to a query which will enable you to elaborate upon the position just taken.

Is there any dangerous business always when you publish information, exposing the frailties, the weaknesses, the deceptive practices, the greed, the people in private walks, and powerful people in high positions in government. Aren't you frightened by what you have done or are doing? Are you driven by a motto complex or is there some death wish?

Weisberg: No, nothing at all like that. I think you pay me too high a compliment.

Bandy: We'll see about that.

Weisberg: I am a writer. I believe that the craft of being a writer is an honorable craft. I believe that a writer owes obligations to his society and I believe citizens owe an obligation to their society to make it viable.

Bandy: But that doesn't answer my question about whether or not you are frightened?

Weisberg: Of course/^{I'm}not, I'm here.

Bandy: But you state in your book that you did have some reservation about a previous effort of yours where you thought you were tailed by the FBI; where you thought possibly they followed you everywhere; and in that book you talk about in some part of Louisiana where they attempted to discredit your reputation.

Weisberg: Well, as a matter of fact, I have reason to believe that I had a tail from the time I got to Union Station yesterday-- I didn't look back to see.

Bandy: All right, so that's the answer to my . . (interrupted by Weisberg)

Weisberg: Someone who was supposed to meet me there, and didn't, told me he saw me being followed as I went to the subway and as I went to a phone booth. Now, I mean care, I was involved in a simply, in which Senator Irvin is investigating in Minneapolis; my baggage was intercepted; my every paper that was in my baggage, that could be intercepted, including papers that disappeared. A brand new typewriter was rendered inoperative and unrepairable. The same thing happened to a brand new tape recorder.

Bandy: So that in a lot of the incidences . . (interrupted by Weisberg)

Weisberg: So that didn't stop me--that was in 1968.

Bandy: I see, but you're not frightened by any of this; you're not intimidated; you're not coward?

Weisberg: No, I'm much more frightened by what has happened to our society.

Bandy: All right, we'll get more into what has happened to our society, because I've got a question regarding this book. Now you put out this book and it's called, "Frame-Up."

Weisberg: Yes.

Bandy: What are your reasons for suggesting that James Earl Ray may have been framed?

Weisberg: I suggested more than Ray has been framed--all of our processes of justice and all of history. I am particularly happy with your perceptive, and perspective, giving introduction, that we are not just talking about a murder and I am saying that history was framed; that the right of the public to know what happened has been framed; and of course, that Ray was framed.

Bandy: Who framed Ray and how was he framed?

Weisberg: Ray was framed by the processes of society which did not function in any aspect. The only ones to whom I think I can pay a justifiable tribute, are the working reporters. Now, I'm not talking now about the policies of newspapers, I'm talking about such people as Bernard Gavzer, of the Associated Press, whose reporting

was excellent; of Henry Leifermann, then of United Press International and now of Newsweek, who suddenly found himself being inducted into the Army, excellent reporting; Martin Waldron of the New York Times; Paul Valentine of the Washington Post.

Bandy: I'm impressed by all of those, but I want to know specifically how was Ray framed? You tell me by the processes, but I want to break it down so that when I talk to my waiter friends, and when I talk to my taxi friends, I don't have to tell them that you said the judicial process failed them. How was he framed and who framed him?

Weisberg: First of all, he was framed by the withholding of exculpatory evidence by the prosecution.

Bandy: What is "exculpatory?"

Weisberg: Evidence that either tends to or proves that he was not guilty.

Bandy: That's all right isn't it, fine, all right.

Weisberg: Evidence that proves that the witnesses alleged to say a certain thing by the State, could not possibly have said them; could not possibly have seen what they said; evidence that the statements made under oath by these witnesses, as a basis for this prostitution of a trial called the "mini-trial," were false, utterly false. I think . . . (interrupted by Bandy)

Bandy: Who was interested, Harold, in having all of this testimony; in having all this evidence altered; in having all of this evidence shaped in such a fashion as to maybe make a certain type result possible. Who specifically would want that done?

Weisberg: I think that this really breaks down into two aspects.

Bandy: That's what I want to do, I want to break it down.

Weisberg: First, we live with a national fiction that we are a non-violent society and whenever a man, and there are always men who are trying to give the denied those a fair share of our life, men who are leaning toward peace, they are always the victim of a lone alienated nut and whenever possible there is a leftist inference.

Second, of all from the Chamber of Commerce down in Memphis, just as in Dallas, they had very acute problems; they wanted to find a rug that was big enough to sweep it all under. The prosecution did not dare take this case to trial.

Bandy: Why didn't he dare?

Weisberg: Because there is no single allegation of fact against James Earl Ray that can withstand a proper cross-examination--not one that was introduced in the mini-trial. Now this is one of the reasons why my book is so long, because I undertook to provide, as a writer can provide, not as a lawyer, I'm not a lawyer, the one thing that our whole system of justice requires--cross-examination, which we now call the wonderful machine for the establishment of fact.

I took, as you may remember, every allegation of the transcript, and I have the transcript with me, of the mini-trial, and I gave the other side; I drew upon newspaper stories; I drew upon direct quotations of these witnesses. In fact, I had to sue the great and majestic United States Department of Justice to get some of it

because in this era before 1984 they have actually confiscated all the records of the public trial of an American citizen.

Bandy: All right, before we go too far afield, I want to hold it because there are certain points I want to get out. You stated that there was a conspiracy that Ray was possibly a member of that conspiracy, but that he did not actually fire the weapon said to be an integral part of that conspiracy.

Weisberg: I'll go further.

Bandy: I don't want you to go further. I want you to respond to what I ask. Now give me that.

Weisberg: Yes. I think that the evidence produced by the government of Tennessee, in Memphis, proves, if it is at all creditable, that James Earl Ray could not have fired that shot from that bathroom window; not only that he didn't, but that he couldn't.
Now . . . (interrupted by Bandy)

Bandy: Why?

Weisberg: Let me break it down.

Bandy: All right.

Weisberg: The most creditable evidence and that which is easiest to understand, is an affidavit by an FBI firearms expert, without undoubted competence, Frazier.

Bandy: Right.

Weisberg: And this is one of the things I got by the suit. Frazier . .
(interrupted by Bandy)

Bandy: He could not state that the bullet fired from that gun really
came from the gun from which they say it was fired--right?

Weisberg: That is not what they said in Memphis, but that is exactly . . .
(interrupted by Bandy)

Bandy: I understand that that was what Frazier of the F.B.I. said --
right?

Weisberg: Right?

Bandy: Now that we have established that point, what is the next one?

Weisberg: The bundle, and you may remember ... (interrupted by Bandy)

Bandy: Of the long

Weisberg: Of the bundle that was found outside of Canipe's.

Bandy: Yes.

Weisberg: That's a staged picture. That picture . . (interrupted by Bandy)

Bandy: What do you mean "staged picture?" What are the facts that belie
what's there?

Weisberg: The picture as it was deposited. . (interrupted by Bandy)

Bandy: The package.

Weisberg: The package, as it was, we should explain what was in the package;
the rifle in a box and other personal property attributable to
James Earl Ray by means of fingerprints and things like that. That

package could not possibly have been intact with the history attributed to it by the least creditable witness in all of legal history, Charles Quitman Stevens, who also said it was wrapped in newspaper. That package was deposited to link to Ray. Ray you may remember is supposed to have . . . (interrupted by Bandy)

Bandy: Are you suggesting by that package, that because they found the radio from the Missouri Prison; that because they found his laundry mark; and because that rifle was purchased in some place in Tennessee, or other than Missouri; the actual total accumulation of that package made it an absolute farce to have put all those pieces together.

Weisberg: All pointing to Ray.

Bandy: Saying that it was "pawned" as it were, right?

Weisberg: Meanwhile, Ray is supposed to have fired a shot from a bathroom.

Bandy: All right.

Weisberg: There is no fingerprint of James Earl Ray in that bathroom. Ray is supposed . . (interrupted by Bandy)

Bandy: It is possible to fire a rifle from the bathroom without leaving fingerprints, because if you left any fingerprints, it showed that you were a very clumsy firer of a rifle--continue.

Weisberg: Continue, yes. Ray is supposed to have fired the rifle from the inside . . . (interrupted by Bandy)

Bandy: Before you go into the bathroom you get your hands out of the way before you fire, sorry.

Weisberg: Well it required a little bit of gymnastic skill to get into a position to fire the shot. It could not possibly have been done, I tried to do it, the way the prosecution said in the mini-trial. You cannot possibly stand in an old-fashioned bathtub, with a sloping back, and get about two feet away from that and fire a shot at an angle.

Bandy: Depends on whether or not you are a contortionist--but continue, I

Weisberg: Yes, it is possible to stand on the back edge and as I did keep one foot in the bathtub, but it is not possible to do this without using your hands. The window had to be opened.

Bandy:

Weisberg: The furniture allegedly was moved in his bedroom--no fingerprints. Remember this mad dash all the way across the south.

Bandy: All right, so than you are saying, in light of what we have found so far in Memphis, it is not sufficient to connect Ray as being the firer of that rifle, that launched that bullet, that killed Dr. King--is that what you say?

Weisberg: I think that's an understatement.

Bandy: All right, fine. Let's get on with the next aspect. What with all of the hue and cry, why has there been no violent hue and cry from the leaders of the black community? Why is it that they have not pressed for an investigation?

Weisberg: I wish I . . . (interrupted by Bandy)

Bandy: Why have they been strangely silent in this area?

Weisberg: You realize you are asking me to put myself in somebody else's . .
(interrupted by Bandy)

Bandy: I always realize what I am asking, but I'm simply asking for the
response.

Weisberg: I'm in a position of having to put myself in somebody else's mind
and I can do that two ways--one, and I think this was true with
the Kennedy family when John Kennedy was killed, especially, that
the acute personal pain of even thinking about it is too much for
these people to tolerate; and then there is another aspect . .
(interrupted by Bandy)

Bandy: I think that's a hedge rather than an answer; I think it is an
evasion rather than coming to the point of . . . Now if you are
telling me that you are in possession of some information that
might place in jeopardy some of the informants . . .

Weisberg: No. No.

Bandy: I'd like a response. Why is it that the leaders of the black
community did not press for an investigation in this matter
talked about on all the other subjects.

Weisberg: I can tell you what one of them told me.

Bandy: Well, that's all right.

Weisberg: And it's in the book, I have no reluctance in going into it. They were afraid of what J. Edgar Hoover would do with his despicable espionage on Dr. King.

Bandy: Would you care to elaborate; I mean, can you break that down?

Weisberg: Well, of course.

Bandy: All right.

Weisberg: Mr. Hoover did his best to bamboozle every Attorney General into authorizing wire tapping on King; he extended that to bugging, which is not the same as wire tapping; on the ground that King was in association with dangerous radicals. But the real fact is . . . (interrupted by Bandy)

Bandy: That's what I want--the real fact.

Weisberg: That he was spying on King's private life. Nobody who knew Dr. Martin Luther King ever considered him a radical; this was a man of peace, a man of non-violence and it is no secret in Washington that there were auditions of the tapes before southern Members of Congress. I have, and I quote in the book, what the Councillor, the newspaper of the White Citizens' Council did with it, and they spied on Dr. King in Los Angeles, and Chicago, and New York, whenever they could.

Bandy: Are you suggesting that all this was done under the influence, or with the blessings, or with the approval of the Justice Department, or the Federal Bureau of Investigation, is that what you are suggesting?

Weisberg: It was done by the Federal Bureau of Investigation.

Bandy: All right.

Weisberg: There's just no question about it. It was kept in what is called a "June File."

Bandy: All right -- what is meant a "June File."

Weisberg: This was a code name for it, you know, like "Operation June," and it was a very extensive operation. Ramsey Clark rejected a request by J. Edgar Hoover to renew this authorization two days before Dr. King was killed.

Bandy: Let me ask you a question. In this book you refer to each of the attorneys employed by James Earl Ray. You suggest the possibility that each was a "money grubber," as it were; each exploiting this man's predicament for personal gain. Do you still feel that way?

Weisberg: Well, Ray wrote letters from England, one of them to Mr. Arthur Hanes, former F.B.I. agent and former equivalent of a Mayor in Birmingham, Alabama, and to Mr. F. Lee Bailey.

Mr. Bailey replied he had a conflict of interest because of his friendship with Dr. King and Mr. Hanes was on his way to London, and from Washington he had a telephone conversation with William Bradford Huie, which assured him, as I remembered, a minimum of \$35,000 for taking the case in return for Huie having literary rights.

Mr. Hanes, as you said, and I think it was a terrible thing that he wasn't allowed to see James Earl Ray, was not allowed to see

Ray the first time; but on the 5th of July 1968, he did see Ray for about a half hour and during that time he got Ray to sign a contract. Now, as I read that contract, and I have the copy as Mr. Huie printed it.

Bandy: All right, what are the points . . .

Weisberg: Mr. Hanes provided, what Mr. Hanes guaranteed, was that he would represent James Earl Ray as his attorney in literary matters but I can't find anything in that contract that says he is going to defend James Earl Ray for the crime with which he was charged.

Bandy: What about Foreman? Did you find that Foreman's relationship with James Earl Ray the same as Hanes?

Weisberg: No, but I'd like to finish on Mr. Hanes.

Bandy: All right.

Weisberg: Now the contract with Mr. Huie provided that on the signing of a contract for the book, Huie would give \$10,000, and that upon Ray's return to the United States, there would be \$5,000 a month until the sum was reached. Now, one of the immediate problems this confronted Mr. Hanes with, and I think it was unfortunate that he had to face this problem, was how was he going to get the money until they got back to the United States. So here you have Mr. Hanes in a position of having to counsel James Earl Ray as to whether or not he should appeal the extradition.

Bandy: Right.

Weisberg: His personal interest calls for Ray to come back to the United States so Huie can pay him.

Bandy: We will produce Attorney Arthur Hanes, but will take time out now for a message.

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Bandy: . . . therefore James Earl Ray who was later fired and replaced by Percy Foreman, Mr. Hanes feels now, more than ever, after knowing the case, and knowing Ray, that indeed there was a conspiracy and that Ray in fact was not even the killer. Mr. Hanes, it is said in the record, that you have known James Earl Ray, maybe longer, or as well as, if not better than, a great number of the people who surrounded him. Can you tell us something about this man.

Hanes: I think, I think that is correct. Probably I have spent more time with James Earl Ray, eyeball to eyeball, jawbone to jawbone, as we say, than any man has, and has had the , and I feel like that I knew the man as well as anybody could know James Earl Ray.

Bandy: What kind of a man would you, if you had to give a summary, or if you had to sort of capsulize, what sort of man was James Earl Ray?

Hanes: Well, James Earl Ray was a typical convict--small petty mind. He thought like a criminal; he was an old convict; he knew the ways, he was crafty; he was neat in his appearance, was very neat in his manners; and my dealings with the man was soft spoken, and as far as I could ascertain, really was not a violent man by nature--tracing his background, his past history, the record of his crimes and how he committed them--were not too violent, but he was very crafty.

You got the impression that he was not giving you everything. He was a man that believed in the old adage of not putting all your eggs in one basket. He would never let his left hand know what his

right hand was doing, so to speak, and I think that came from many years confinement in various penitentiaries and jails.

Bandy: What was the relationship between you and Ray's brothers--there were two, I believe?

Hanes: Well, I never met James Earl Ray's two brothers, James, or Jerry and John. I talked to John on the telephone. I tried on many occasions to meet with the brothers, to discuss the case with them, and to this good day, I have never met either of the two brothers.

Bandy: From the outset, those two brothers really seemed to have opposed using you as attorney. In fact, from what I can recall from Weisberg's book, from the outset they always wanted to get Foreman, but I believe you were contacted by Ray from London through his representative

Hanes: Yes, that's correct. James Earl Ray was apprehended on Saturday, June the 8th, in London at the airport. The following Thursday, I received a call from London, England, from a Mr. Michael Eugene.

Bandy: Ray's representative in London, right?

Hanes: Yes, government appointed counsel there, and asked me if I would be interested in representing James Earl Ray if and when he were extradited to the United States. Of course, being a lawyer, my first question was--does this man have any money, can he pay?

Bandy: I am glad you brought this up, I was going to ask you that.

Hanes: Mr. Eugene indicated that the man had money, and based upon that, I said, "that in that event I will undertake his defense if and when he is, indeed, extradited to the United States," and Mr. Eugene said, "would you confirm that by writing," and I said, "certainly would," and that day got a letter off to Mr. Eugene confirming our telephone conversation.

Bandy: All right, now, let me ask you some specifics, Mr. Hanes. When you got to London, from this book, I understand that you were not permitted to see the client.

Hanes: That's correct.

Bandy: Is that right? When did you have your first talk to talk with Ray in the capacity of client--lawyer?

Hanes: Well, actually, the first time I got to see Ray was my second trip to London. I departed Chicago for London on July the 4th, and it was then Friday the 5th, July the 5th, that I first got to see James Earl Ray.

Bandy: So the first trip netted you nothing and then you had to make a second trip.

Hanes: That's right, that's right, that's correct, sir.

Bandy: Would you say that this man, of course we can't very well America by what they do necessarily in England, but normally isn't there a constitution provision that allows a client, or at least get together with his lawyer.

Hanes: Yes, that's what I have always believed and, indeed, the higher

courts now are protecting the individual rights and there was a time in my home town, or in my county, my district where I practice, that you could only see a client at certain hours, but we kept rebelling against that, so now anytime we want to see a client, we get into see him.

Bandy: But then you can't, but you are supposed to be able to see a client . . .

Hanes: Oh yes, and I raised the question very strenuously, and very strongly, in London on my first visit with the British home government and also with American counsel.

Bandy: What were the objections, Mr. Hanes, in London, to your getting together with this man? Why didn't they want you to see James Ray and who was trying to keep you out?

Hanes: I have no idea. All I know is that I was told that I would not be permitted to see him, both by the British government and both by the American government. I arrived there on Thursday and stayed until Sunday and attempted every hour on the hour to get to see my client.

Bandy: Now let me get down to some real specifics. Mr. Hanes, you are on record as being anti-communist and when you set out to defend or to protect the interest of James Earl Ray, whom according to Mr. Weisberg, you regarded as a communist dupe, what specifically was the inducement that would cause you to defend a communist dupe, which would result in your really defending the interest of the communist conspiracy against which you, in private, really oppose. How do you reconcile that? What was in the . . . (interrupted by Hanes.)

Hanes: Well, let me say this . . . When I got into the case, I had not idea who James Earl Ray was, never head of him, had no idea . . . (interrupted by Bandy)

Bandy: You had no idea that the King had been killed?

Hanes: Oh yes, I knew that.

Bandy: Then you knew Ray by reputation, but you didn't know the man?

Hanes: All is I'm saying just as any layman or anybody would know who followed the case. So, but as I say, when I got into the case, I didn't know who Ray's associates were, what organizations he belonged to, if any, or this sort of thing, you see. Now, I had set up certain criteria to try to evaluate this thing, when I first got called from London, as to motive, financial ability to pull off this monstrous deal.

Bandy: That's the one I'm really interested in.

Hanes: You see.

Bandy: All right.

Hanes: Who was able to finance it, who was able to mastermind it, what group or organization, and so on down the line.

Bandy: Did you think possibly they could pay him, they might also be able to pay you?

Hanes: No, you see, because afterall when I took the case I didn't know but what this man might have a half million dollars in a Swiss bank somewhere.